

UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF NEW YORK

JIMMY L. ADKINS, KEREM BAY, LANA BONGIOVI,
CLEMENT CAMPBELL, ANGELO CARPOLA,
ALEXANDER CIOFFI, PATRICK H. CRAIN, DAVID
CRONK, NANCY F. DEBE, DENNIS DELUCIE,
CHARLED J. ENGEL, MATHEW FARRELL, BENNY
FAILLA, ROBERT J. GIANI, JOHN R. LACKENBAUER,
JEAN-PARNELL LOUIS, WILLIAM J. MAHER,
MICHAEL G. MCDOWELL, JOHN ROSSI, WILLIAM R.
SHANNON, FRED H. SMITH, GARY E. SOBEK,
DAMIAN SOBERS, CARMELA SZYMANSKI,
ANTHONY TANZA, and CYNTHIA TORRES,

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.,

Defendant.

Case No. 16-CV-00641
(JMA)(AKT)

STIPULATION AND ORDER OF SUBSTITUTION OF COUNSEL

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned and pursuant to Local Civil Rule 1.4, that the Moser Law Firm, P.C. ("Steven J. Moser") is hereby substituted in place of the Law Office of Ann Ball, P.C. ("Ann Ball"), as counsel of record for Plaintiffs KEREM BAY, LANA BONGIOVI, CLEMENT CAMPBELL, ANGELO CARPOLA, ALEXANDER CIOFFI, PATRICK H. CRAIN, DAVID CRONK, DENNIS DELUCIE, CHARLED J. ENGEL, MATHEW FARRELL, BENNY FAILLA, ROBERT J. GIANI, JOHN R. LACKENBAUER, WILLIAM J. MAHER, MICHAEL G. MCDOWELL, JOHN ROSSI, WILLIAM R. SHANNON, FRED H. SMITH, GARY E. SOBEK, DAMIAN SOBERS, CARMELA SZYMANSKI, ANTHONY TANZA, and CYNTHIA TORRES. Supporting declarations of Steven J. Moser and Ann Ball are attached pursuant to Local Civil Rule 1.4

PLEASE TAKE NOTICE that all pleadings, notices of hearing and other filings in this matter should be served upon the following incoming counsel;

Steven J. Moser
(smoser@moseremploymentlaw.com)
Moser Law Firm P.C.
5 East Main Street
Huntington, NY 11743
Tel: 516-671-1150
Direct: 631-759-4054

Dated: January 22, 2020
Huntington, New York

Law Office of Ann Ball, P.C.

By: 

Ann Ball
357 Veterans Memorial Highway
Commack, New York 11725
631-864-8700

Moser Law Firm P.C.

By: 

Steven J. Moser
5 East Main Street
Huntington, New York 11743
Tel: 516-671-1150
Direct/Fax: 631-759-4054

SO, ORDERED:

JOAN M. AZRACK, USDJ

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ANTHONY TANZA, and CYNTHIA TORRES,

Case No. 16-CV-00641
(JMA)(AKT)

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.,

Defendant.

DECLARATION OF OUTGOING COUNSEL ANN BALL
PURSUANT TO LOCAL CIVIL RULE 1.4

ANN BALL declares as follows:

1. I am an attorney admitted to practice before the courts of the State of New York and the United States District Court for the Eastern District of New York.
2. I respectfully submit this declaration pursuant to Local Civil Rule 1.4 of the United States District Courts for the Southern and Eastern Districts of New York in support of the stipulation and order substituting the Moser Law Firm P.C. ("Steven J. Moser") as counsel of record in place of the Law Office of Ann Ball, P.C. ("Ann Ball") for plaintiffs KEREM BAY, LANA BONGIOVI, CLEMENT CAMPBELL, ANGELO CARPOLA, ALEXANDER CIOFFI, PATRICK H. CRAIN, DAVID CRONK, DENNIS DELUCIE, CHARLED J. ENGEL, MATHEW FARRELL, BENNY FAILLA, ROBERT J. GIANI, JOHN R. LACKENBAUER,

WILLIAM J. MAHER, MICHAEL G. MCDOWELL, JOHN ROSSI, WILIAM R. SHANNON,
FRED H. SMITH, GARY E. SOBEK, DAMIAN SOBERS, CARMELA SZYMANSKI,
ANTHONY TANZA, and CYNTHIA TORRES. ("Plaintiffs")

3. The plaintiffs have requested that the Moser Law Firm represent them in this action and have consented to my withdrawal.

4. I do not exercise a charging lien.

5. In the event that the Moser Law Firm P.C. makes an application for attorney fees on behalf of any prevailing plaintiff in this matter, I respectfully reserve the right to submit an application for recovery of fees and costs as permitted by New York Labor Law 198.

Pursuant to 28 USC Section 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2020


Ann Ball

UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF NEW YORK

JIMMY L. ADKINS, KEREM BAY, LANA BONGIOVI,
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DAMIAN SOBERS, CARMELA SZYMANSKI,
ANTHONY TANZA, and CYNTHIA TORRES,

Case No. 16-CV-00641
(JMA)(AKT)

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.,

Defendant.

DECLARATION OF INCOMING COUNSEL STEVEN MOSER
PURSUANT TO LOCAL CIVIL RULE 1.4

STEVEN MOSER declares as follows:

1. I am an attorney admitted to practice before the courts of the State of New York and the United States District Court for the Eastern District of New York.
2. I respectfully submit this declaration pursuant to Local Civil Rule 1.4 of the United States District Courts for the Southern and Eastern Districts of New York in support of the stipulation and order substituting the Moser Law Firm P.C. ("Steven J. Moser") as counsel of record in place of the Law Office of Ann Ball, P.C. ("Ann Ball") for plaintiffs KEREM BAY, LANA BONGIOVI, CLEMENT CAMPBELL, ANGELO CARPOLA, ALEXANDER CIOFFI, PATRICK H. CRAIN, DAVID CRONK, DENNIS DELUCIE, CHARLED J. ENGEL, MATHEW FARRELL, BENNY FAILLA, ROBERT J. GIANI, JOHN R. LACKENBAUER,

WILLIAM J. MAHER, MICHAEL G. MCDOWELL, JOHN ROSSI, WILIAM R. SHANNON, FRED H. SMITH, GARY E. SOBEK, DAMIAN SOBERS, CARMELA SZYMANSKI, ANTHONY TANZA, and CYNTHIA TORRES. ("Plaintiffs")

3. The substitution of counsel will not unnecessarily delay this action or prejudice any party.

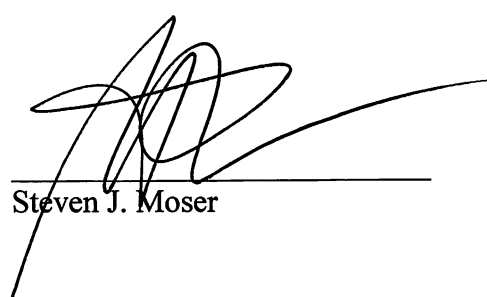
4. I am fully aware of the procedural posture of this case, the nature of the claims asserted, and the legal proceedings heretofore had as I represent plaintiffs in the consolidated matter of *D'Aguino v. Garda* 16-cv-00641 (JMA) (AKT).

5. At the conference of January 21, 2020, the Court directed Ms. Ball, counsel for the Adkins plaintiffs to notify the court and defense counsel whether she still wishes to make a motion to remand in accordance with her pre-motion letter by January 28, 2020. The Court further directed the parties to submit a joint briefing schedule by January 31, 2020 in the event that Ms. Ball intends on proceeding with the motion. I will comply with these deadlines in the event that the substitution is granted.

6. Although the Court has already granted leave to file the motion to vacate and remand the claims of the Plaintiffs to state court, I expect to file a two page letter supplementing the bases for the motion. I do so in the hopes that motion practice can be avoided entirely. However, in the event that motion practice is unavoidable, the Plaintiffs' motion to vacate and remand will not be delayed.

Pursuant to 28 USC Section 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed on January 23, 2020



Steven J. Moser